IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

OP.No. 13767 of 2003(L)

PETITIONERS:

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1. ABDULLA S/O. RANDODY MOHAMMED,
   AGED 47 YEARS, PONMUNBDAM AMSOM AND DESOM,
   TIRUR TALUK, MALAPPURAM DISTRICT

2. BEEVIKUTTY UMMA, W/O. THAZHATHETHIL
   POCKER, AGED 65 YEARS, DO.

3. SAKEENA D/O. CHATTIVARAKKAL KUNJI POCKER
   AGED 19 YEARS, DO.DO.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.JACOB SEBASTIAN
SRI.PRAVEEN K. JOY
SRI.SANTHARAM.P

RESPONDENTS:

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1. DISTRICT SUPERINTENDENT OF POLICE,
   MALAPPURAM.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
   TIRUR.

3. SUB INSPECTOR OF POLICE, KALPAKANCHERRY

4. SRI.PARAMESWARAN, AGED 50 YEARS,
   KUTTIKKATTIL KUMARAN, PONMUNDAM AMSOM,
   CHILAVIL DESOM.

5. KRISHNAN, AGED 40 YEARS,
   S/O. KUTTIKKATTIL KUMARAN, DO.DO.

6. GANGADHARAN, AGED 35 YEARS, DO.DO.

R1 TO R3 BY GOVERNMENT PLEADER SMT. K. MEERA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP 23271 OF 2003 IN OP 13767 OF 2003

DISMISSED

12.2.2007 SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE DOCUMENT NO. 1986 OF 1975 OF THE SRO, KALPAKANCHERRY, RE.SY.NO. 76/4 DATED 27.10.1975

EXT.P2 TRUE COPY OF THE DOCUMENT NO. 467/2003 OF THE SRO, KALPAKANCHERRY, RE. SY. NO. 76/4 DATED 18.2.2003

EXT.P3 TRUE COPY OF PHOTOGRAPH OF THE REMOVED SOIL FROM A PORTION OF THE PROPERTY.

EXT.P4 TRUE COPY OF THE ORDER DATED 9.4.2003

EXT.P5 TRUE COPY OF THE COUNTER STATEMENT FILED ON 10.4.2003 BEFORE THE RDO BY THE PETITIONERS.

EXT.P6 TRUE COPY OF THE ORDER DATED 10.4.2003 IN I.A.NO. 703/2003 IN OS NO. 93/2003 THE LEARNED MUNSIFF.

EXT.P7 TRUE COPY OF NOTICE CALLING UPON HIM TO BE PRESENT AT THE POLICE STATION AT 10.20 A.M. ON 21.4.2003 BY 3RD RESPONDENT GIVEN TO THE PETITIONERS.

EXT.P8 TRUE COPY OF THE COMPLAINT BEFORE THE FIRST RESPONDENT CALLING HIM TO RESTRICT RESPONDENTS 2 AND 3 FROM INTERFERING IN THE MATTER DATED 18.4.2003

EXT.P9 TRUE COPY OF THE RECEIPT DATED 19.4.2003 ISSUED IN RESPECT OF EXT.P8 COMPLAINT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 13767 OF 2003

Dated this the 12th day of February, 2007

JUDGMENT

O.P. is filed apprehending interference by respondents 4 to 6 while removal of sand by the petitioners from their property and consequent law and order problem. Already there is civil court orders in the matter and it is for the petitioners to approach the civil court for enforcement of it's order. However, respondents 2 and 3 will ensure that no law and order problem arises in the area on account of dispute between the parties.

O.P. is closed with the above observation.

(C.N.RAMACHANDRAN NAIR)
Judge